

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LANCE MCCOY

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Plaintiff

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vs.

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CIVIL ACTION NO. MJG-13-3744

AMATEUR ATHLETIC UNION
OF THE UNITED STATES, INC.

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Defendant

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MEMORANDUM AND ORDER RE: REMAND

The Court has before it the document deemed to constitute Plaintiff's Motion for Remand [Document 52] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

Although Bryant Newmuis, presumably a Maryland citizen, has been named as a defendant in this case, there is no contention that he was ever served with process in the instant case. Moreover, Plaintiff previously obtained a judgment against Mr. Newmuis based upon the same claims against him as are asserted in the instant case. Accordingly, Mr. Newmuis is not a party defendant whose presence destroys federal diversity jurisdiction.

The state court has dismissed all claims against "Freddie Hendricks Track Club, an affiliate organization of the Amateur

Athletic Union." See [Document 50]. Furthermore, it appears that there never has been such an entity.

Plaintiff presents no valid objection to this Court's exercise of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). The case presents complete diversity of citizenship and the amount in controversy exceeds \$75,000.

Accordingly:

For the foregoing reasons:

1. Plaintiff's Motion for Remand [Document 52] is DENIED.
2. The instant case presents claims by Plaintiff against Defendant Amateur Athletic Union of the United States, Inc. and no other party.
3. The case caption shall, hereafter, conform to the caption on this Order.

SO ORDERED, on Thursday, March 06, 2014.

/s/_____
Marvin J. Garbis
United States District Judge